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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 ERIC DAVID BOWMAN,

9 Petitioner,

10 v.

11 MARGARET GILBERT,

12 Respondent.

CASE NO. C16-5798BHS-DWC

ORDER ADOPTING REPORT  
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)  
14 of the Honorable David W. Christel, United States Magistrate Judge (Dkt. 12), and  
15 Petitioner Eric David Bowman’s objections to the R&R (Dkt. 13).

16 On January 13, 2017, Judge Christel issued the R&R recommending that the Court  
17 dismiss Bowman’s petition with prejudice because it is time-barred. Dkt. 12. On  
18 January 30, 2017, Bowman filed objections. Dkt. 13.

19 The district judge must determine de novo any part of the magistrate judge’s  
20 disposition that has been properly objected to. The district judge may accept, reject, or  
21 modify the recommended disposition; receive further evidence; or return the matter to the  
22 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

1 In this case, Bowman fails to advance any valid objection. Even if Bowman's  
2 petition states valid constitutional claims, the Court may not review the merits of the  
3 petition because it was not timely filed. Moreover, the Court concludes that jurists of  
4 reason would not debate whether the petition was timely filed. Therefore, the Court  
5 having considered the R&R, Bowman's objections, and the remaining record, does  
6 hereby find and order as follows:

- 7 (1) The R&R is **ADOPTED**;
- 8 (2) Bowman's petition is **DISMISSED with prejudice** because it is time-  
9 barred;
- 10 (3) A Certificate of Appealability is **DENIED**; and
- 11 (4) The Clerk shall close this case and enter **JUDGEMENT** for Defendant.

12 Dated this 3rd day of March, 2017.

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15 BENJAMIN H. SETTLE  
16 United States District Judge  
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